

**From:** Wendy E. Greve

**Sent:** Sunday, March 17, 2019 4:23 PM

**To:** 'Russell Williams' <RWilliams@kksblaw.com>

**Cc:** Austin Smith <asmith@pffwv.com>; Jayne A. Hudnall <JHudnall@pffwv.com>; Tonia Comer <TComer@kksblaw.com>; Jayne A. Hudnall <JHudnall@pffwv.com>; Eric Buckner <ebuckner@kksblaw.com>

**Subject:** RE: Settle, Joshua M. v. Nathan Scott Stepp , Claim No. 501-590961 / 8143782871US:

Russell:

Whether or not you have claims that render the documents you are seeking in the SDT relevant and discoverable under Rule 26 is the issue. The fact that you don't have a claim against the WVSP for negligent hiring, supervision or retention begs the question as to how the documents you are seeking could be relevant. I do believe the entire subpoena seeks documents that are not relevant to your claims against the officer. If you believe that they are relevant to your claims against Trooper Stepp I invite you to discuss that with me.

Wendy



Wendy E. Greve, Esq.  
Member  
JamesMark Building  
901 Quarrier Street  
Charleston, WV 25301  
phone: (304) 344-0100  
fax: (304) 342-1545  
www.pffwv.com

This electronic message transmission contains information from the law firm of Pullin, Fowler, Flanagan, Brown & Poe, PLLC which may be confidential or privileged. The information is intended to be for the use of the individual or entity named above. If you are not the intended recipient, be aware that any disclosure, copying, distribution, or use of the contents of this message is prohibited. If you have received this electronic transmission in error, please notify us by telephone at (304) 344-0100.

**From:** Russell Williams <RWilliams@kksblaw.com>  
**Sent:** Friday, March 15, 2019 4:26 PM  
**To:** Wendy E. Greve <wgreve@pffwv.com>  
**Cc:** Austin Smith <asmith@pffwv.com>; Jayne A. Hudnall <JHudnall@pffwv.com>; Tonia Comer <TComer@kksblaw.com>; Jayne A. Hudnall <JHudnall@pffwv.com>; Eric Buckner <ebuckner@kksblaw.com>  
**Subject:** [EXTERNAL] RE: Settle, Joshua M. v. Nathan Scott Stepp , Claim No. 501-590961 / 8143782871US:

Wendy:

Whether or not the WVSP is a party is irrelevant. I am permitted to subpoena relevant documents from third-parties, which is exactly what I am doing here.

If you think certain document request to the WVSP Professional Standards Section are not relevant, please identify them by number so we can discuss. From your messages below, it sounds like your position is the entire subpoena is improper, which I disagree with.

**Russell A. Williams, Esq.**



KATZ, KANTOR, STONESTREET, & BUCKNER, PLLC

Your Lawyers, Your voice.

112 Capitol Street, Suite 100

Charleston, WV 25301

Telephone: 304-431-4053

Facsimile: 304-431-4060

Email: [rwilliams@kksblaw.com](mailto:rwilliams@kksblaw.com)

Web: [www.wvinjuryattorneys.com](http://www.wvinjuryattorneys.com)

*The information contained in this electronic message is privileged and confidential information indeed only for the use of the individual or entity named in the address line. If the reader of this message is not the intended recipient, or the employee or agent responsible to deliver it to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. Receipt by anyone other than the intended recipient is not a waiver of any attorney-client or work-product privilege. If you have received this communication in error, please immediately delete it without reading. Thank you. Katz, Kantor, Stonestreet, Buckner, PLLC.*

*To ensure compliance with requirements imposed by the IRS under Circular 230, we inform you that any U.S. Federal tax advice contained in this communication (including any attachments), unless otherwise specifically stated, was not intended or written to be used, and cannot be used, for the purpose of (1) avoiding penalties under the Internal Revenue Code or (2) promoting, marketing or recommending to another party any matters addressed herein.*

**From:** Wendy E. Greve <[wgreve@pffwv.com](mailto:wgreve@pffwv.com)>  
**Sent:** Friday, March 15, 2019 1:38 PM  
**To:** Russell Williams <[RWilliams@kksblaw.com](mailto:RWilliams@kksblaw.com)>  
**Cc:** Austin Smith <[asmith@pffwv.com](mailto:asmith@pffwv.com)>; Jayne A. Hudnall <[JHudnall@pffwv.com](mailto:JHudnall@pffwv.com)>; Tonia Comer <[TComer@kksblaw.com](mailto:TComer@kksblaw.com)>; Jayne A. Hudnall <[JHudnall@pffwv.com](mailto:JHudnall@pffwv.com)>; Eric Buckner <[ebuckner@kksblaw.com](mailto:ebuckner@kksblaw.com)>  
**Subject:** RE: Settle, Joshua M. v. Nathan Scott Stepp , Claim No. 501-590961 / 8143782871US:

Russ:

The WVSP is not a party. The below response fails to articulate any relevancy to the claims against my client with respect to any of the items that you have requested from the WVSP.

I contacted you last week to discuss the impact of your client's conviction and we agreed to hold off on discovery while you reviewed your position. I have yet to receive any information from you regarding your position but per your representation that you wanted time I have held off on filing the motion to stay pending entry of the conviction order while you took the opportunity to review what had occurred during the criminal proceedings and the law addressing the effect of your client's conviction on his civil suit. While I did not receive any information as promised regarding your position I did receive a certificate of service noting that you have mailed additional discovery.

You have now issued a fourth set of discovery in a lawsuit claiming excessive force in an incident where your client has been convicted of attempting to disarm Trooper Stepp by intentionally grabbing and attempting to unholster his gun. The officer's response was to render three strikes resulting in a total of nine stitches. Deadly force was lawful under these facts. The WVSP is not a party but you have issued a SDT to it seeking, among other things and without reference to any date limitation, copies of Special Orders, Department Memorandum "referring or relating to Trooper Stepp, copies of all written employee notifications referring or relating to Trooper Stepp, copies of the annual statistical report from 2011 to present, copies or all "audio, video, and written transcripts of testimony during any administrative hearing referring or relating to Trooper Stepp. There are in fact 37 separate requests in your SDT. None of these appear relevant. I do not understand what you think is "legitimate" discovery.

This is my second written attempt to resolve a discovery dispute. Would you be available to discuss this in an attempt to resolve both the stay and the motion for protective order on Monday?

Wendy



Wendy E. Greve, Esq.  
Member  
JamesMark Building  
901 Quarrier Street  
Charleston, WV 25301  
phone: (304) 344-0100  
fax: (304) 342-1545  
[www.pffwv.com](http://www.pffwv.com)

This electronic message transmission contains information from the law firm of Pullin, Fowler, Flanagan, Brown & Poe, PLLC which may be confidential or privileged. The information is intended to be for the use of the individual or entity named above. If you are not the intended recipient, be aware that any disclosure, copying, distribution, or use of the contents of this message is prohibited. If you have received this electronic transmission in error, please notify us by telephone at (304) 344-0100.

**From:** Russell Williams <[RWilliams@kksblaw.com](mailto:RWilliams@kksblaw.com)>  
**Sent:** Friday, March 15, 2019 1:10 PM  
**To:** Wendy E. Greve <[wgreve@pffwv.com](mailto:wgreve@pffwv.com)>

**Cc:** Austin Smith <[asmith@pffwv.com](mailto:asmith@pffwv.com)>; Jayne A. Hudnall <[JHudnall@pffwv.com](mailto:JHudnall@pffwv.com)>; Tonia Comer <[TComer@kksblaw.com](mailto:TComer@kksblaw.com)>; Jayne A. Hudnall <[JHudnall@pffwv.com](mailto:JHudnall@pffwv.com)>; Eric Buckner <[ebuckner@kksblaw.com](mailto:ebuckner@kksblaw.com)>  
**Subject:** [EXTERNAL] RE: Settle, Joshua M. v. Nathan Scott Stepp , Claim No. 501-590961 / 8143782871US:

Wendy:

This case is about Trooper Stepp's use of excessive force and brutal beating of Plaintiff. How can you in good faith object to a subpoena to the WVSP Professional Standards Section seeking information regarding Trooper Stepp's use of force in the past, investigations by the Professional Standards Section into his conduct, and any resulting discipline Trooper Stepp has received (although unlikely considering the WVSP's abject failure to "police" its own)?

Your proposed motion is a frivolous attempt to quell legitimate discovery. File your motion if you must and will gladly respond. I will also ask for my attorneys' fees.

**Russell A. Williams, Esq.**



KATZ, KANTOR, STONESTREET, & BUCKNER, PLLC

*Your Lawyers, Your voice.*

112 Capitol Street, Suite 100

Charleston, WV 25301

Telephone: 304-431-4053

Facsimile: 304-431-4060

Email: [rwilliams@kksblaw.com](mailto:rwilliams@kksblaw.com)

Web: [www.wvinjuryattorneys.com](http://www.wvinjuryattorneys.com)

*The information contained in this electronic message is privileged and confidential information indeed only for the use of the individual or entity named in the address line. If the reader of this message is not the intended recipient, or the employee or agent responsible to deliver it to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. Receipt by anyone other than the intended recipient is not a waiver of any attorney-client or work-product privilege. If you have received this communication in error, please immediately delete it without reading. Thank you. Katz, Kantor, Stonestreet, Buckner, PLLC.*

*To ensure compliance with requirements imposed by the IRS under Circular 230, we inform you that any U.S. Federal tax advice contained in this communication (including any attachments), unless otherwise specifically stated, was not intended or written to be used, and cannot be used, for the purpose of (1) avoiding penalties under the Internal Revenue Code or (2) promoting, marketing or recommending to another party any matters addressed herein.*

---

**From:** Wendy E. Greve <[wgreve@pffwv.com](mailto:wgreve@pffwv.com)>

**Sent:** Friday, March 15, 2019 1:03 PM

**To:** Russell Williams <[RWilliams@kksblaw.com](mailto:RWilliams@kksblaw.com)>

**Cc:** Austin Smith <[asmith@pffwv.com](mailto:asmith@pffwv.com)>; Jayne A. Hudnall <[JHudnall@pffwv.com](mailto:JHudnall@pffwv.com)>; Tonia Comer <[TComer@kksblaw.com](mailto:TComer@kksblaw.com)>; Jayne A. Hudnall <[JHudnall@pffwv.com](mailto:JHudnall@pffwv.com)>

**Subject:** RE: Settle, Joshua M. v. Nathan Scott Stepp , Claim No. 501-590961 / 8143782871US:

I only have one and it is to the WVSP and it is ECF 27, 27-1 and 27-2



**Wendy E. Greve, Esq.**  
Member  
JamesMark Building  
901 Quarrier Street  
Charleston, WV 25301  
phone: (304) 344-0100  
fax: (304) 342-1545  
[www.pffwv.com](http://www.pffwv.com)

This electronic message transmission contains information from the law firm of Pullin, Fowler, Flanagan, Brown & Poe, PLLC which may be confidential or privileged. The information is intended to be for the use of the individual or entity named above. If you are not the intended recipient, be aware that any disclosure, copying, distribution, or use of the contents of this message is prohibited. If you have received this electronic transmission in error, please notify us by telephone at (304) 344-0100.

---

**From:** Russell Williams <RWilliams@kksblaw.com>  
**Sent:** Friday, March 15, 2019 1:00 PM  
**To:** Wendy E. Greve <wgreve@pffwv.com>  
**Cc:** Austin Smith <asmith@pffwv.com>; Jayne A. Hudnall <JHudnall@pffwv.com>; Tonia Comer <TComer@kksblaw.com>; Jayne A. Hudnall <JHudnall@pffwv.com>  
**Subject:** [EXTERNAL] RE: Settle, Joshua M. v. Nathan Scott Stepp , Claim No. 501-590961 / 8143782871US:

Are referencing our subpoena to the Professional Standards Section of the WVSP?

**Russell A. Williams, Esq.**



KATZ, KANTOR, STONESTREET, & BUCKNER, PLLC

*Your Lawyers, Your voice.*

112 Capitol Street, Suite 100

Charleston, WV 25301

☎ Telephone: 304-431-4053

☎ Facsimile: 304-431-4060

✉ Email: [rwilliams@kksblaw.com](mailto:rwilliams@kksblaw.com)

Web: [www.wvinjuryattorneys.com](http://www.wvinjuryattorneys.com)

*The information contained in this electronic message is privileged and confidential information indeed only for the use of the individual or entity named in the address line. If the reader of this message is not the intended recipient, or the employee or agent responsible to deliver it to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. Receipt by anyone other than the intended recipient is not a waiver of any attorney-client or work-product privilege. If you have received this communication in error, please immediately delete it without reading. Thank you. Katz, Kantor, Stonestreet, Buckner, PLLC.*

*To ensure compliance with requirements imposed by the IRS under Circular 230, we inform you that any U.S. Federal tax advice contained in this communication (including any attachments), unless otherwise specifically stated, was not intended or written to be used, and cannot be used, for the purpose of (1) avoiding penalties under the Internal Revenue Code or (2) promoting, marketing or recommending to another party any matters addressed herein.*

---

**From:** Wendy E. Greve <wgreve@pffwv.com>  
**Sent:** Friday, March 15, 2019 12:56 PM  
**To:** Russell Williams <RWilliams@kksblaw.com>  
**Cc:** Austin Smith <asmith@pffwv.com>; Jayne A. Hudnall <JHudnall@pffwv.com>; Tonia Comer <TComer@kksblaw.com>; Jayne A. Hudnall <JHudnall@pffwv.com>  
**Subject:** RE: Settle, Joshua M. v. Nathan Scott Stepp , Claim No. 501-590961 / 8143782871US:

Russ:

The complaints regarding the SDT to the WVSP are similar. The scope of your subpoena is too broad as the request for production to the WVSP has no relevancy to your client's claims against Trooper Settle. I am happy to discuss any argument that you believe supports a claim that any of the documents requested are discoverable. I will await to hear from you before filing our motion for protective order on March 19, 2019.

Wendy





Wendy E. Greve, Esq.  
Member  
JamesMark Building  
901 Quarrier Street  
Charleston, WV 25301  
phone: (304) 344-0100  
fax: (304) 342-1545  
www.pffwv.com

This electronic message transmission contains information from the law firm of Pullin, Fowler, Flanagan, Brown & Poe, PLLC which may be confidential or privileged. The information is intended to be for the use of the individual or entity named above. If you are not the intended recipient, be aware that any disclosure, copying, distribution, or use of the contents of this message is prohibited. If you have received this electronic transmission in error, please notify us by telephone at (304) 344-0100.

**From:** Russell Williams <[RWilliams@kksblaw.com](mailto:RWilliams@kksblaw.com)>

**Sent:** Wednesday, March 13, 2019 12:46 PM

**To:** Wendy E. Greve <[wgreve@pffwv.com](mailto:wgreve@pffwv.com)>

**Cc:** Austin Smith <[asmith@pffwv.com](mailto:asmith@pffwv.com)>; Jayne A. Hudnall <[JHudnall@pffwv.com](mailto:JHudnall@pffwv.com)>; Tonia Comer <[TComer@kksblaw.com](mailto:TComer@kksblaw.com)>

**Subject:** [EXTERNAL] RE: Settle, Joshua M. v. Nathan Scott Stepp , Claim No. 501-590961 / 8143782871US:

Wendy:

I will get a letter out to you by the end of the week regarding proceeding in this case.

As far as the subpoena goes, I don't see any legitimate grounds for you to move to quash the subpoena. But in any event, the documents have already been produced. See attached.

**Russell A. Williams, Esq.**



KATZ, KANTOR, STONESTREET, & BUCKNER, PLLC

Your Lawyers, Your voice.

112 Capitol Street, Suite 100

Charleston, WV 25301

☎ Telephone: 304-431-4053

☎ Facsimile: 304-431-4060

✉ Email: [rwilliams@kksblaw.com](mailto:rwilliams@kksblaw.com)

Web: [www.wvinjuryattorneys.com](http://www.wvinjuryattorneys.com)

*The information contained in this electronic message is privileged and confidential information indeed only for the use of the individual or entity named in the address line. If the reader of this message is not the intended recipient, or the employee or agent responsible to deliver it to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. Receipt by anyone other than the intended recipient is not a waiver of any attorney-client or work-product privilege. If you have received this communication in error, please immediately delete it without reading. Thank you. Katz, Kantor, Stonestreet, Buckner, PLLC.*

*To ensure compliance with requirements imposed by the IRS under Circular 230, we inform you that any U.S. Federal tax advice contained in this communication (including any attachments), unless otherwise specifically stated, was not intended or written to be used, and cannot be used, for the purpose of (1) avoiding penalties under the Internal Revenue Code or (2) promoting, marketing or recommending to another party any matters addressed herein.*

**From:** Wendy E. Greve <[wgreve@pffwv.com](mailto:wgreve@pffwv.com)>

**Sent:** Wednesday, March 13, 2019 12:41 PM

**To:** Russell Williams <[RWilliams@kksblaw.com](mailto:RWilliams@kksblaw.com)>

**Cc:** Austin Smith <[asmith@pffwv.com](mailto:asmith@pffwv.com)>; Jayne A. Hudnall <[JHudnall@pffwv.com](mailto:JHudnall@pffwv.com)>

**Subject:** Settle, Joshua M. v. Nathan Scott Stepp , Claim No. 501-590961 / 8143782871US:

Russell:

I hope the soccer tournament went well and the trip was successful. I just wanted to touch base with you regarding proceeding in this case. We are waiting to file a Motion for Protective Order seeking an order quashing the subpoena to the WV Division of Justice and Community Service Production of Records. If it makes more sense to postpone the SDT date (and advise the DOJ) please let me know today if possible.

Thank you –

Wendy



Wendy E. Greve, Esq.  
Member  
JamesMark Building  
901 Quarrier Street  
Charleston, WV 25301  
phone: (304) 344-0100  
fax: (304) 342-1545  
www.pffwv.com

This electronic message transmission contains information from the law firm of Pullin, Fowler, Flanagan, Brown & Poe, PLLC which may be confidential or privileged. The information is intended to be for the use of the individual or entity named above. If you are not the intended recipient, be aware that any disclosure, copying, distribution, or use of the contents of this message is prohibited. If you have received this electronic transmission in error, please notify us by telephone at (304) 344-0100.